ENGROSSED
SENATE BILL No. 438

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DIGEST OF SB 438 (Updated March 11, 2009 5:55 pm - DI 77)

Citations Affected: IC 12-10; IC 12-15.

Synopsis: Self-directed care. Requires self-directed care options and services to be available for: (1) Medicaid waiver recipients; and (2) community and home options to institutional care for the elderly and disabled (CHOICE) program recipients. Requires certain Medicaid funds to follow a Medicaid recipient transferring from institutional care to Medicaid home and community based care. Specifies services available to a Medicaid waiver recipient. (The introduced version of this draft was prepared by the health finance commission.)

Effective: July 1, 2009.

Becker, Miller

(HOUSE SPONSORS — BROWN C, CROUCH)

January 14, 2009, read first time and referred to Committee on Health and Provider Services.
February 19, 2009, reported favorably — Do Pass.
February 23, 2009, read second time, ordered engrossed. Engrossed.
February 24, 2009, read third time, passed. Yeas 49, nays 0.
HOUSE ACTION
March 3, 2009, read first time and referred to Committee on Public Health.
March 16, 2009, reported — Do Pass.

C o p y

ES 438—LS 6161/DI 104+

March 17, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

  Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

  Conflict reconciliation: Text in a statute in *this style type* or *~~this style type~~* reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED
SENATE BILL No. 438

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A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1   SECTION 1. IC 12-10-10-6 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. The community and
3 home options to institutional care for the elderly and disabled program
4 is established. The division shall administer the program and shall do
5 the following:
6   (1) Adopt rules under IC 4-22-2 for the coordination of the
7   program.
8   (2) Administer state and federal money for the program.
9   (3) Develop and implement a process for the management and
10   operation of the program locally through the area agencies on
11   aging based upon criteria developed by the division.
12   (4) Approve the selection of community and home care services
13   providers based upon criteria developed by the division.
14   (5) Review and approve community and home care services plans
15   developed by services providers.
16   (6) Provide training and technical assistance for the staff
17   providers.

(7) Select or contract with agencies throughout Indiana to provide community and home care services.

(8) Assist the office in applying for Medicaid waivers from the United States Department of Health and Human Services to fund community and home care services needed by eligible individuals under this chapter.

(9) Have self-directed care options and services available for an eligible individual who chooses self-directed care services.

SECTION 2. IC 12-15-1-20 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 20. (a) The office shall implement a policy that allows the amount of Medicaid funds necessary to provide services to follow an individual who is transferring from institutional care to Medicaid home and community based care.**

(b) The amount may not exceed the amount that would have been spent on the individual if the individual had stayed in institutional care.

SECTION 3. IC 12-15-5-9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 9. The office shall have self-directed care options and services available for an eligible individual who:**

(1) is a Medicaid waiver recipient; and

(2) chooses self-directed care services.

SECTION 4. IC 12-15-5-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 10. (a) An individual who receives Medicaid services through a Medicaid waiver shall receive the following:**

(1) The development of a care plan addressing the individual's needs.

(2) Advocacy on behalf of the individual's interests.

(3) The monitoring of the quality of community and home care services provided to the individual.

(4) Information and referral services concerning community and home care services if the individual is eligible for these services.

(b) The use by or on behalf of an individual receiving Medicaid waiver services of any of the following services or devices does not make the individual ineligible for services under a Medicaid waiver:

(1) Skilled nursing assistance.

(2) Supervised community and home care services, including skilled nursing supervision.

1   **(3) Adaptive medical equipment and devices.**
2   **(4) Adaptive nonmedical equipment and devices.**

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ES 438—LS 6161/DI 104+

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 438, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 438 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 7, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 438, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BROWN C, Chair

Committee Vote: yeas 10, nays 0.

ES 438—LS 6161/DI 104+